

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TOUSSAINT DENT,

Plaintiff,

v.

No. 04-CV-1438
(FJS/DRH)

MARVIN RABINOWITZ, Dr., Mid-State
Correctional Facility; SUBBARAO RAMINENI,
Health Service Director, Mid-State
Correctional Facility; and LESTER
WRIGHT, Commissioner of Health Services,

Defendants.

APPEARANCES:

TOUSSAINT DENT
Plaintiff Pro Se
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Apartment 5
Bronx, New York 10456

OF COUNSEL:

HON. ANDREW M. CUOMO
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State of New York
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SENATA B. SIUDA, ESQ.
Assistant Attorney General

FREDERICK J. SCULLIN, JR., Senior Judge

DECISION AND ORDER

The above-captioned matter having been presented to me by the Report-Recommendation of Magistrate Judge David R. Homer filed on January 10, 2007, and the Court having reviewed the Report-Recommendation and the entire file in this matter, and no

objections to said Report-Recommendation having been filed, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge David R. Homer filed January 10, 2007 is **ACCEPTED** in its entirety, for the reasons stated therein, and it is further

ORDERED, that defendants' motion to dismiss is **DENIED**.

IT IS SO ORDERED.

DATED: January 31, 2007
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge